

# **EXHIBIT 28**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**WSOU INVESTMENTS, LLC D/B/A  
BRAZOS LICENSING AND  
DEVELOPMENT,**

**Plaintiff,**

**v.**

**DELL TECHNOLOGIES INC.,  
DELL INC., AND EMC  
CORPORATION,**

**Defendants.**

§ **CIVIL ACTION 6:20-CV-00473-ADA**  
§ **CIVIL ACTION 6:20-CV-00474-ADA**  
§ **CIVIL ACTION 6:20-CV-00475-ADA**  
§ **CIVIL ACTION 6:20-CV-00476-ADA**  
§ **CIVIL ACTION 6:20-CV-00477-ADA**  
§ **CIVIL ACTION 6:20-CV-00478-ADA**  
§ **CIVIL ACTION 6:20-CV-00479-ADA**  
§ **CIVIL ACTION 6:20-CV-00482-ADA**  
§  
§ **PATENT CASE**  
§  
§ **JURY TRIAL DEMANDED**  
§

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**WSOU INVESTMENTS, LLC D/B/A  
BRAZOS LICENSING AND  
DEVELOPMENT,**

**Plaintiff,**

**v.**

**DELL TECHNOLOGIES INC.,  
DELL INC., EMC CORPORATION,  
AND VMWARE, INC.,**

**Defendants.**

§  
§ **CIVIL ACTION 6:20-CV-00480-ADA**  
§ **CIVIL ACTION 6:20-CV-00481-ADA**  
§ **CIVIL ACTION 6:20-CV-00485-ADA**  
§ **CIVIL ACTION 6:20-CV-00486-ADA**  
§  
§ **PATENT CASE**  
§  
§ **JURY TRIAL DEMANDED**  
§  
§

**PLAINTIFF’S RULE 26(A) INITIAL DISCLOSURES**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“WSOU”) submits the following Rule 26 Initial Disclosures (the “Disclosures”). These Disclosures are without any concession, agreement, admission, or waiver of any ultimate determination of relevance, admissibility, or

discoverability of particular information for any purpose, and without waiver of any attorney-client, work product, or other privilege or immunity. WSOU makes these Disclosures based on presently available information, without the benefit of discovery.

The following patents are asserted in the cases captioned above: U.S. Patent Nos. 9,137,144 (the “144 Patent”), 7,212,536 (the “536 Patent”), 7,453,888 (the “888 Patent”), 7,565,435 (the “435 Patent”), 8,913,489 (the “489 Patent”), 7,126,921 (the “921 Patent”), 8,402,129 (the “129 Patent”), 7,539,133 (the “133 Patent”), 9,164,800 (the “800 Patent”), 7,424,020 (the “020 Patent”), 7,636,309 (the “309 Patent”), and 7,092,360 (the “360 Patent”) (collectively, the “Asserted Patents”). To the extent the Court construes the claims of the Asserted Patents, additional arguments and/or information may be relevant in light of any such construction. WSOU therefore reserves the right to supplement and/or amend these Disclosures at any time in view of the Court’s construction, in view of any new information learned during discovery, and/or for any other reason permissible under the applicable Federal and Local Rules.

The Defendants in Civil Action Nos. 6:20-cv-473 through 6:20-cv-479 and 6:20-cv-482 are Dell Technologies Inc., Dell Inc., and EMC Corporation. The Defendants in Civil Action Nos. 6:20-cv-480, 6:20-cv-481, 6:20-cv-485, and 6:20-cv-486 are Dell Technologies Inc., Dell Inc., EMC Corporation, and VMWare, Inc. The Defendants identified in this paragraph are collectively referred to as “Defendants.”

**I. Rule 26(a)(1)(A)(i): Persons with Discoverable Information**

Name	Contact Information (if known by WSOU)	Subject(s)
Matt Hogan	Contact through WSOU’s counsel.	Knowledge concerning WSOU’s business development, documents, and employees.

Craig Etchegoyen	Contact through WSOU's counsel.	Chairman at WSOU with knowledge of WSOU's licensing practices.
Stuart Shanus	Contact through WSOU's counsel.	President of WSOU with knowledge of WSOU's licensing practices.
Representatives and employees of Defendants	Contact through Defendants' counsel.	Operation of accused products, information relating to calculation of damages, information relating to Defendants' infringement.
All individuals identified in the Initial Disclosures filed by Defendants in the cases captioned above	<i>See</i> Defendants' Initial Disclosures	<i>See</i> Defendants' Initial Disclosures
All individuals and corporations identified in a third-party subpoena issued by any party	<i>See</i> notices of subpoenas to third parties	<i>See</i> notices of subpoenas to third parties

WSOU anticipates that it will become aware of additional persons during the course of discovery. WSOU believes these additional persons will include employees and former employees of Defendants, Defendants' technology vendors and suppliers, customers of Defendants, and other entities or individuals who have formed business relationships with Defendants. WSOU also expects to rely upon expert testimony and will disclose any such experts as required by the Scheduling Order. WSOU reserves the right to amend these Disclosures for any of the reasons detailed above.

## **II. Rule 26(a)(1)(A)(ii): Documents and Things**

WSOU anticipates that it will become aware of additional persons during the course of discovery. WSOU believes these additional persons will include employees and former employees of Defendants, Defendants' technology vendors and suppliers, customers of Defendants, and other entities or individuals who have formed business relationships with Defendants. WSOU also expects to rely upon expert testimony and will disclose any such experts

as required by the Scheduling Order. WSOU reserves the right to amend these Disclosures for any of the reasons detailed above.

1. The Asserted Patents and their file histories.
2. Conception and reduction to practice of the inventions claimed in the Asserted Patents.
3. Documents relating to the factual allegations referenced in WSOU's Complaints.
4. Documents relating to WSOU's ownership of the Asserted Patents.
5. Documents relating to agreements involving the Asserted Patents.
6. Documents relating to the design, development, structure, function, and operation of the Accused Products.
7. Documents relating to Defendants' knowledge of the Asserted Patents.
8. Documents relating to Defendants' infringing conduct.
9. Documents relating to Defendants' sales, licensing, and marketing of the Accused Products.
10. Financial documents relating to the sales/licensing of the Accused Products.
11. License agreements relating to the Asserted Patents and the Accused Products.
12. Documents relating to secondary considerations of nonobviousness, including commercial success, long felt need, and failure of others.
13. Documents, materials, and other information sought in any discovery requests WSOU serves on Defendants or any third party.

### **III. Rule 26(a)(1)(A)(iii): Damages**

WSOU seeks damages adequate to compensate it for Defendants' infringement of the Asserted Patents, which in any event shall be no less than a reasonable royalty for Defendants'

use of the patented inventions, together with interest and costs as fixed by the Court. In addition, these damages should be enhanced pursuant to 35 U.S.C. § 284. WSOU also seeks costs and attorneys' fees and such other relief as the Court deems appropriate. The amount of WSOU's damages, fees, and costs and the amount of any other relief that may be deemed appropriate is not ascertainable at this time. WSOU will be relying on a damages expert in support of its claim.

**IV. Rule 26(a)(1)(A)(iv): Indemnity and Insurance Agreements**

WSOU is not aware of any insurance agreement for which an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. WSOU reserves the right to amend these Disclosures based on its investigation and information obtained in discovery.

Dated: April 29, 2021

Respectfully submitted,

/s/ Ryan S. Loveless  
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*Counsel for Plaintiff WSOU Investments, LLC*

**CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing instrument was served via email to all counsel of record on April 29, 2021.

/s/ Ryan S. Loveless  
Ryan S. Loveless